

1 ALLEN M. DUTRA, TRUSTEE
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4 UNITED STATES BANKRUPTCY COURT
5 DISTRICT OF NEVADA

6 IN RE:) BK – 11-51998
7)
8 ARNAUD, RICH J.) CHAPTER 7
9) **EX PARTE APPLICATION OF TRUSTEE**
10) **FOR ORDER APPROVING**
DEBTOR(S)) **EMPLOYMENT OF REAL ESTATE**
11) **AGENT**
12) NO HEARING REQUIRED

13 **TO UNITED STATES BANKRUPTCY JUDGE:**

14
15 ALLEN M. DUTRA, duly appointed and acting trustee, respectfully represents:

16 1. Among the assets in this case is a certain parcel of real property and appurtenant
17 rights, consisting of approximately 20 acres, located in Churchill County, State of Nevada, more
18 particularly described as follows:

19 1100 Hart Lane

20 Town of Hazen, Churchill County, Nevada

21 APN 009-271-54

22 2. In order to market the real property most effectively and thereby to liquidate the
23 same for the best and highest price, your applicant has solicited the assistance of Darrel Page of
24 RE/MAX Realty Affiliates, a licensed real estate agent, who has agreed to advertise said
25 property at the agent's expense, to show said property to interested parties, to represent the estate
26 as seller in connection with the sale of the property, and to advise the Trustee with respect to
27 obtaining the highest and best offers available in the present market for said property.
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1 3. Based on the foregoing, your applicant desires to employ Darrel Page of
2 RE/MAX Realty Affiliates as a real estate agent, to procure and submit to the Trustee offers to
3 purchase said property. In consideration for said services, agent will receive as commission,
4 upon consummation of any such sale, a real estate agent's commission in an amount equal to six
5 percent (6%) of the purchase price. In the event that the property is sold on an over bid, to a
6 buyer not procured by the agent employed by the applicant, said agent will nonetheless be
7 entitled to receive a real estate agent's commission equal to three (3%) percent of the
8 consummated sales bid for her services rendered in representing the estate in marketing the
9 property. In the event the property is sold on an over bid, to a buyer represented by other than
10 the agent employed by the applicant, said other agent, representing such buyer, shall not receive
11 a commission of more than three percent (3%) of the accepted and consummated sale price. The
12 real estate agents shall be employed for a period through and expiring November 10, 2013.

13 4. The property has been determined to have an approximate value of \$350,000.00.

14 5. The real estate agent whom the Trustee proposes to employ have been informed
15 and understand that no sale may be consummated until after notice and a hearing.

16 6. The real estate agent has agreed to only represent the Trustee and not any buyer of
17 the property (dual agency) without the prior consent of this court.

18 7. The Trustee is informed and believes and therefore alleges that the employment of
19 said real estate agent on the terms and conditions provided for herein is in the best interest of the
20 estate.

21 8. The Trustee is satisfied from the Declaration of the agent attached hereto that said
22 real estate agent is a disinterested person within the meaning of 11 U.S.C. § 101 with no
23 connection with debtor, creditors, or any other party in interest, their respective attorneys and
24 accountants, the United States Trustee or any person employed in the office of the United States
25 trustee.

26 9. Said real estate agent is aware of the provisions of 11 U.S.C. §§ 327, 328 and 330
27 and has agreed, notwithstanding the terms and conditions of employment herein set forth, that
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1 the Court may allow compensation different from the compensation provided herein if such
2 terms and conditions prove to have been improvident.


3 WHEREFORE, the Trustee seeks an Order authorizing the employment of Darrel Page of
4 RE/MAX Realty Affiliates as real estate agent on the terms and conditions set forth herein.

5
6 DATED this 26th day of April, 2013.

7 /s/ Allen M. Dutra
8 Allen M. Dutra, Trustee

9 Approved

10 On behalf of the Office of the
11 United States Trustee

12 
13 By: _____

14 Attorney for Acting United States Trustee
Dat August B. Landis